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MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MARCH 26, 1984

PRESENT

Grant S. Nielson	Mayor
Don Dafoe	Council Member
Neil Dutson	Council Member
Craig Greathouse	Council Member
Kjell Jenkins	Council Member
Ruth Hansen	Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan	City Manager
Dorothy Jeffery	City Recorder
Doyle Bender	City Treasurer
Warren Peterson	City Attorney
John Quick	City Engineer
Sherri Terrell	City Secretary
Greg Cooper	City Chief of Police
Jack Fowles	Planning & Zoning Chairman
Willis Morrison	City Resident
Pat Johnson	Developer
Gordon Johnson	Developer
Bill Garrett	City Resident
Van & Laraine Jaeger Family	Scout Troop
Jim Fletcher	KNAK Radio

Mayor Nielson called the meeting to order at 7:01 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days prior to the meeting.

MINUTES

The minutes of a Public Hearing held March 19, 1984, were discussed and corrected by the Council. Council Member Ruth Hansen MOVED to adopt the minutes as corrected. Council Member Neil Dutson SECONDED the motion, which carried unanimously.

The minutes of a Regular City Council Meeting held March 19, 1984, were discussed and corrected by the Council. Council Member Craig Greathouse

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MOVED to adopt the Regular City Council Meeting minutes as corrected for March 19, 1984, and Council Member Ruth Hansen SECONDED the motion. The motion carried unanimously.

ACCOUNTS PAYABLE

City Recorder Dorothy Jeffery asked if there were any questions regarding the accounts payable, which were included in the Council's packets. The accounts payable were as follows:

<u>BUSINESS</u>	<u>DEPT</u>	<u>ITEM PURCHASED</u>	<u>AMOUNT</u>
AMERICAN LOCK	Police	8 E-Z Jims #ALS-25	43.46
CHANNING BETE	Police	Sr. Citzn Crime Prev Pamp	39.00
COMM BUS RADIO	Police	Repair radio #8	30.00
CONT LIME INC	Streets	80 ton lime chips	199.68
DOVES MARKET	Parks & Rec	Punch & Cookies	9.64
FARMERS SUPPLY	Fire	Batteries & Flashlight	68.02
GULF STATE	Police	2 Defenders Shotguns	260.00
EAGLE CO.	Police	1 Uniform trouser	31.91
W.S. HATCH	Streets	Freight on lime chips	137.50
LYNN'S TIRES	Police	2 tires for 9, 11, 12	426.00
MASTER MUFFLER	Police	Safety 7&8, brakes/chief	53.95
OFFICE SUPPLY	Police	Office supplies	65.99
MASTER MUFFLER	Police	Install lightbar/gunrack	115.00
MASTER MUFFLER	Police	Install sptlt/switch/rack	130.57
OFFICE SUPPLY	Police	Office supplies	12.72
PRO-ARMS INC	Police	2 Able II bumper lights	163.00
ROCKING "R"	Police	Lead free gas	903.70
ROCKING "R"	Police	Bottled gas	871.00
ROCKING "R"	City Bldg	Furnace Oil	175.96
SERVICE DRUG	Police	Supplies and film	19.49
SCHOLZEN PROD	Water	Meter/suppls/pipe cutter	487.17
STEINER CORP	City Bldg	Toilet tissue	46.60
SYNDISTAR INC	Police	Film/shipping drug abuse	130.00
W MILLARD HOSPITAL	Police	Exam for D.A. Hanson	46.50
KARL JEFFERY	Library	Sub Salt Lake Tribune	54.00
SO UT OFFICE	City Bldg	Office supplies	15.51
DATA CONSULT	City Bldg	Consultant on computer	775.00
DUWILL PUBLISH	Council	Public Hearing 3/5/84	12.00
SCHOLZEN PROD	Water	Water supplies	69.96
SCHOLZEN PROD	Water/Sewer	40' steel stock for loader	81.38
UP&L	Airport	2/14/84 to 3/13/84	160.59
UP&L	City Bldg	2/2/84 to 3/2/84	153.57
UP&L	Sewer	Station D 1/31 to 2/29	95.86
UP&L	Sewer	Pump 2 2/1 to 3/1	164.15
UP&L	Sewer	Pump 3 2/2/ to 3/2	220.83
UP&L	Sewer	Sewer lift 2/6 to 3/5	8.34
UP&L	Sewer	Sewer pump 2/6 to 3/5	89.43
UP&L	Sewer	Sewer F 2/13 to 2/29	401.47
UP&L	Parks & Rec	Tennis Crt 2/1 to 3/1	8.40

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UP&L	Parks & Rec	Tennis Crt #2 2/1 to 3/1	8.40
UP&L	Water	Shop 2/3 to 3/5	157.11
UP&L	Water	Sugar Fact Well	509.95
UP&L	Water	Water Tank 1/1 to 3/5	710.91
UP&L	Water	City Well 2/2 to 3/2	285.41
UP&L	Water	Yard pup hs 2/3 to 3/5	8.08
TOTAL			5,080.82

Council Member Neil Dutson MOVED to approve the bills and authorize payment, including those bills from City Attorney Warren Peterson and Computer Consultant Bruce Miller. Council Member Kjell Jenkins SECONDED the motion, which carried unanimously.

UTAH POWER & LIGHT AGREEMENT FOR ELECTRICAL SERVICES TO THE DELTA MUNICIPAL OFFICE BUILDING

City Attorney Warren Peterson explained that both Utah Power & Light's service agreements required adoption and signatures. City Attorney Peterson recommended that the City Council approve both contracts. One is for running an underground cable to the building, and another to provide service to the facility.

Council Member Craig Greathouse MOVED to authorize the Mayor to sign the Underground Service Agreement and the Electrical Services Agreement with Utah Power & Light. Council Member Ruth Hansen SECONDED the motion, which carried unanimously.

COMMUNITY DEVELOPMENT BLOCK GRANT MONEY STATUS

City Manager Jim Allan stated he had conferred with Larry Hoover, Six County Representative, and County Commissioner Harold Stewart who both explained their version as to what had occurred in the Six County Commission session in which grant money was awarded. In essence, County Commissioner Stewart helped the City obtain the money to be received. Three projects were presented. First, Fillmore wanted \$14,500 for a gazebo. Second, Lynndyl requested \$30,000 for a fire house expansion. Third, Delta submitted a request for \$32,500 to expand its fire house. City Manager Allan stated that each project's grant request had been decreased by \$2500.

City Manager Jim Allan acknowledged his conversation with County Administrator Robyn Pearson in which the County's position was sought to provide the City with land for the fire house expansion. Mr. Allan has written the County asking that the County's commitment be defined to provide the land on which the old jail house stands. The County has expressed its willingness to provide and clear the land as their share of funding of construction.

In answer to a question asked by the Mayor, City Manager Jim Allan stated money from IPP could be used for the construction of the fire house expansion. Mr. Allan pointed out that the cost of construction could be reduced if volunteer manpower were provided.

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DISCUSSION REGARDING CITY COUNCIL WORK SESSIONS

City Manager Jim Allan stated that council meetings drag on once the meetings reach "other business" under the agenda. He suggested having work sessions to eliminate a long meeting involving "other business". Mr. Allan stated work sessions could be held as often as needed, could provide time to discuss business in which no decisions were required and would enable the Council to develop a needed knowledge on matters.

Mayor Grant Nielson pointed out that there is a legal obligation to the news media.

City Attorney Warren Peterson commented that the work sessions are commonly used by various city councils, but the Utah Open and Public Meetings Act does not have an exception for this type of meeting, i.e. any time two or more City Council members get together, on anything other than a chance social meeting, they are obligated to follow the procedure under the act. Mr. Peterson further stated that any decisions made during such a session could be overturned if proper notice was not provided.

City Manager Jim Allan stated the intent of work sessions was to permit meetings to be managed under time restraints and not to avoid legal responsibilities of the Open Public Meeting Act.

City Attorney Warren Peterson suggested that if a session is to be held requiring a notice and an agenda, the business might as well be transacted at a normal City Council meeting. He stated that a work meeting would require a notice and an agenda. Mr. Peterson stated one possible solution might be to reserve use of the "other business" portion of the agenda as a time to request items to be placed on the agenda for the following week.

Willis Morrison, former City Council Member, noted that the League of Cities and Towns has provided suggestions on "how to speed up the Council Meetings and still have time for a work session". An agenda should specify how much time should be spent for each item, and time identified for a work session at the end of the meeting. Accordingly, a city council meeting would be shortened.

City Attorney Warren Peterson felt that there is a benefit to work sessions where decisions don't have to be made. Often the City Council tries to grind out enough information to make a decision at a meeting. If the Council held a work session where a topic was to be developed and defined, the information needed could be prepared and reviewed for the next meeting.

The Council discussed different possibilities and times of holding work sessions. Council Member Neil Dutson MOVED to continue with regular City Council Meeting, allowing a maximum of 15 minutes for identifying issues to be presented at the next City Council meetings. Council Member Craig Greathouse SECONDED the motion, which carried unanimously.

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SEWER LAGOON PROPOSAL

City Engineer John Quick discussed option #2 for expanding the capacity of the sewer lagoons. He noted that the "self containment" option is a viable one after the property and the disposition of the County Road were determined.

Mayor Nielson stated that the county has already started proceedings to close the road near the sewer lagoons, but because the various options had not been decided upon, Mayor Nielson put a hold on the road closure with the County until a decision had been made.

In review of last week's presentation, City Engineer John Quick reminded the Council that there are several options available to expand the existing sewer lagoon. The result of the previous discussion showed option #3 as the most viable, i.e. the sand filtration method with aeration. This was arrived at by using \$5,000 per acre for the purchase of land. This option would require only 3 acres of land, versus the 40 acres under option #2, and the total construction cost was estimated to be \$340,000 to \$380,000. An additional operations and maintenance cost of \$30,000 per year is also required. Mr. Quick noted that there exists a chance that this method might not meet the 1985 discharge requirements; however, he felt fairly confident that it would. Under this method of operation a man would be needed each day to go to the filters to service the sand filters. Once yearly the filters would also need cleaning. After the population peak, the aerators could be taken out of service. If the population were large enough, the sand filters could be put back in service. Nevertheless, Mr. Quick pointed out that the primary lagoon cell right now is not large enough, i.e. it does not have enough surface area, which necessitates the use of the aerators in order to keep the system operational. This has the distinct disadvantage of requiring monthly maintenance and paying monthly electrical costs.

In retrospect the City Engineer felt it would be more beneficial to the City to proceed with option #2, the total containment option. This is based on the anticipated cost of \$1,000 per acre for the 40 acres of land required for the expansion and would permit an increased size of the primary cell.

City Manager Jim Allan stated that, after reviewing the project with the City Engineer, option #2 is now estimated to cost \$543,000, as opposed to the previous estimate of \$818,500. With option #2 there would be less probability of the City violating the 1985 discharge requirements, and this option would have the definite advantage of not requiring the large maintenance costs anticipated under options #3 and #4.

Mayor Nielson stated that IPP had voiced their concern over the problem and are willing to proceed with assisting Delta City in expanding the sewer lagoon.

The Council discussed the possibilities of proceeding with option #2.

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The Mayor acknowledged Harold Taylor's consent to sell approximately 40 acres of land at \$1,000 per acre and to donate additional dirt for dike construction if needed.

Council Member Kjell Jenkins MOVED to pursue option #2, the total containment option, in order to expand the sewer lagoon system and to accept the general amount of \$543,000 for the expansion. Mayor Nielson is to sign an option agreement with Harold Taylor to purchase approximately 40 acres of needed land at a price of \$1,000 per acre. Council Member Neil Dutson SECONDED the motion, which carried unanimously.

Mayor Nielson directed City Attorney Warren Peterson to prepare an option agreement for the purchase of Harold Taylor's land and allow the City to apply \$500 as a down payment.

STREET VACATION 400 NORTH STREET EAST OF 350 EAST STREET

City Attorney Warren Peterson stated he had contacted Pendray Development concerning vacation of 400 North Street east of 350 East Street, and they have agreed to accept the South half of the street if it were vacated rather than accept the entire street in exchange for covering the open drainage ditch, as had been suggested. Mr. Peterson pointed out that the drainage ditch and spoil bank is located on the North side of the street. Nevertheless, based on what has been determined, Mr. Peterson still recommends that the City proceed with vacating the street and reserving a drainage easement. It would be necessary that public notice be provided for four consecutive weeks and a Public Hearing held thereafter, after which the Council would be free to vacate the street.

City Attorney Peterson noted that in his opinion it would be difficult to close the drainage ditch because of the cost. Nevertheless, the ditch and drainage easement would be reserved to Millard County Drainage District #4, and Delta City would not be responsible for it under the present circumstance.

It was pointed out that a home in the Pendray Estates Subdivision is built within one foot of the street. Mr. Peterson stated that a portion of the street could be vacated to allow the home sufficient set back.

Mayor Nielson recommended that the Council adopt Warren Peterson's recommendation to vacate 400 North Street in the Pendray subdivision.

Council Member Ruth Hansen MOVED to set a Public Hearing date for April 30, 1984, at 7:30 p.m., for the purpose of vacating 400 North Street in the Pendray Subdivision, and include the easements that already exist. Council Member Craig Greathouse SECONDED the motion, which carried unanimously.

REQUEST FOR WATER CONNECTION FOR GARDENS IN THE WHITE SAGE DEVELOPMENT AREA

Bill Garrett proposed that a 6 acre piece of ground owned by the L.D.S. Church be made available to citizens in our area who would like a garden

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space. He asked the City Council for their support in providing a temporary water connection so that the gardens could be irrigated. Mr. Garrett explained that the purpose of the project is to create community solidarity and to give those interested in gardening an opportunity to work on a worthwhile project. It was thought by Mr. Garrett that irrigating the gardens with water from the nearby Melville canal was not possible because of the pumping requirement.

City Engineer John Quick explained that a water line runs in front of the L.D.S. property, and would be easily accessed for irrigation.

Because the City is obligated by the restrictions under the water bonds, no connection fee can be waived; therefore, a connection fee and a monthly water bill would be required if City culinary water were used instead of irrigation water. Bill Garrett requested a waiver of the water connection fee if City water were used.

According to the City ordinance there can be no connection onto the City culinary water system unless water dedication and a connection fee have been provided. Mr. Peterson pointed out that if the City Council wishes to waive the fee, the Council would have to make an amendment to the City ordinance. If this were done, however, the City Council would be violating the water bond agreement and would create additional problems in other cases.

Mr. Garrett stated that he was approaching Delta City first on this matter and was intending to contact IPP for suggestions and contributions.

The Council discussed different possibilities to irrigate the proposed garden. Afterwards, Mayor Nielson asked Mr. Garrett to permit additional study of alternatives by the City. Mr. Garrett agreed to this arrangement.

REQUEST FOR AN ORDINANCE ZONE CHANGE IN BLOCK 49, LOT 1, PLAT A, DELTA TOWNSITE, FROM CENTRAL BUSINESS TO R-4C

City Attorney Warren Peterson stated that the legal requirements have been met to enact the zone change. He presented a proposed ordinance to change Block 49, Lot 1, Plat A, Delta Townsite, from Central Business to R-4C.

Mayor Nielson stated that the pros and cons had been properly voiced and noted in the public hearing and that those present were not as opposed to the zone change at the end of the meeting as at first. Those in favor of the zone change had brought out some good points as to why the change should occur. Mayor Nielson therefore recommended adoption of the proposed ordinance.

Council Member Ruth Hansen concurred and pointed out that this area is one of the vacant areas in town, and is not being developed into single dwelling homes as zoned. She also pointed out that the City needs building and improvement within these undeveloped lots that are not feasible to be developed into single dwelling residences.

The Council discussed this matter.

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Mayor Nielson pointed out that the Planning and Zoning Committee had recommended the zone change.

Council Member Craig Greathouse MOVED to adopt Ordinance 84-73 entitled:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF DELTA, UTAH (ORDINANCE NO. 81-26) TO CHANGE CERTAIN ZONING DISTRICT BOUNDARIES TO DELETE CERTAIN PROPERTIES FROM THE CENTRAL BUSINESS (CB) ZONE AND TO ADD THE PROPERTIES TO THE SINGLE AND MULTIPLE FAMILY RESIDENTIAL (R-4C) ZONE.

Council Member Ruth Hansen SECONDED the motion. Mayor Nielson asked for a roll call vote.

Don Dafoe	Abstain
Neil Dutson	No
Craig Greathouse	Yes
Kjell Jenkins	No
Ruth Hansen	Yes

Because there was a tie in the voting, Mayor Nielson cast his vote in the affirmative and the motion carried.

CONSIDERATION OF DEL PARK ANNEXATION AND DEL MAR SUBDIVISION PRELIMINARY PLAT

City Attorney Warren Peterson stated that the owners of Del Park had discussed with him their proposal to annex a total of 21.5 acres. The park site which they propose to dedicate is 1.9 acres. They propose to improve the 1.9 acres with lawn grass on one portion of it, and picnic facilities and asphalted surface basketball courts on the remaining portions. Mr. Peterson stated that they propose to spend approximately \$6,000 to \$7,000 for improvements of the sprinkling system, grass, picnic area, and asphalted basketball courts. Mr. Peterson pointed out that their obligation to dedicate property, on the 7% rule, would require that they dedicate 1.54 acres.

There was discussion regarding the park improvements and the annexed area.

City Attorney Warren Peterson recommended to wait until the Del Park owners submit their park improvements plan, then the Council could proceed after review of the plan.

City Attorney Warren Peterson stated that the City Council minutes apparently did not include an approval of the Del Mar Subdivision preliminary plat presented in July, 1982. Therefore, they are requesting an approval of the preliminary plat.

Council Member Don Dafoe stated the preliminary plat was not approved because the park dedication needed to be redesigned.

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City Attorney Warren Peterson suggested that the preliminary plat be sent back to the owners of Del Park with a recommendation that they eliminate the proposed park adjacent to the Union Pacific railroad and submit the revised preliminary plat at the same time they submit the plan for improvements on the smaller 1.9 acre park. The Council concurred.

OTHER BUSINESS

City Engineer John Quick stated that IPP has designed their plan for sidewalk and bridge crossing from Rancho Mobile Homes to the Delta Middle School and needed to know if Delta City owned the right-of-way at that location.

City Attorney Warren Peterson stated that he recollects that the City made arrangements for a 50 foot right of way at that location. Mayor Nielson asked City Attorney Warren Peterson to check into this matter and report to City Engineer Quick.

Council Member Don Dafoe pointed out that 150 East Street from Main Street to First North has not been graded and it needs some gravel hauled in. City Manager Allan stated he would relay the problem to the Public Works Superintendent.

Council Member Craig Greathouse stated Lindon Callister would also like the street fronting his home graveled. City Manager Jim Allan suggested that these people call the City office to make such requests so that a better record could be maintained of such needs.

Council Member Kjell Jenkins stated Marge Gardner had explained to him her concerns regarding the home at 300 South and 200 West where the fire department had burned the home down. Mayor Nielson stated that he felt the City crew should push what they can into the basement and haul the remainder away. He pointed out that the house was an abandoned house that was donated to the fire department for training drills.

City Manager Jim Allan presented an agenda for a workshop sponsored by the Utah League of Cities and Towns to the most recently elected Council Members and requested they let him know if they wished to attend, so that reservations can be made.

City Manager Jim Allan stated that there is a possible change order that could benefit the City in the amount of \$2,000 to \$2,500 on the Delta Municipal Building construction contract. He pointed out that it consists of changing the thermostats in the building from a central control to decentralized control system, in which case each zone has a separate control. The system should operate with the same efficiency as a central control system. The Council agreed with this change order.

Mayor Nielson recommended that the Council adjourn to a closed session to discuss police personnel. Council Member Don Dafoe MOVED to go into a closed session to discuss police personnel deployment and competence.

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Council Member Ruth Hansen SECONDED the motion, which carried unanimously. The Council adjourned into a closed session at 9:22 p.m.


After the Council discussed the police personnel deployment and competence, Council Member Neil Dutson MOVED to reconvene into an open session. Council Member Don Dafoe SECONDED the motion. The motion carried unanimously and the Council reconvened to an open session at 10:00 p.m.

Council Member Don Dafoe MOVED to approve Chief Cooper's recommendation to increase the police force to 10 people within the next three months. The motion died for a lack of a second.

The Council discussed adding only one additional officer at this time and increasing the police personnel later if it is needed.

Council Member Don Dafoe MOVED to increase the Police Department one man and a possible additional man after the Fiscal Year 1984-85 budget is approved. Council Member Craig Greathouse SECONDED the motion. Council Members Dutson and Jenkins voted in the opposition; the other Council Members voted in the affirmative. The motion carried.

Council Member Neil Dutson MOVED to adjourn the meeting and Council Member Kjell Jenkins SECONDED the motion. The motion carried unanimously and Mayor Nielson adjourned the meeting at 10:10 p.m.


Mayor Grant S. Nielson


City Recorder Dorothy Jeffery

MINUTES OF A PUBLIC MEETING HELD MARCH 30, 1984
REGARDING A PROPOSED STREET AND DRAINAGE IMPROVEMENT PROJECT

PRESENT

Grant S. Nielson
Don Dafoe
Neil Dutson
Craig Greathouse
Kjell Jenkins
Ruth Hansen

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

OTHERS PRESENT

Jim Allan
Doyle Bender

City Manager
City Treasurer